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FILED

NO. CR-51,328

2018 OCT -3 PM 2: 29

STATE OF TEXAS

§ IN THE DISTRICT COURT

ALEX ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS

vs.

§ MIDLAND COUNTY, TEXAS — DEPUTY

SEBASTIAN ALEXANDER ZAPATA

§ 238th JUDICIAL DISTRICT

COUNSEL'S MOTION TO WITHDRAW

TO THE HONORABLE JUDGE OF SAID COURT:

THOMAS S. MORGAN, attorney for Defendant, SEBASTIAN ALEXANDER ZAPATA, hereby moves for leave to withdraw as defense counsel herein, and as grounds for such would respectfully show the following:

1.

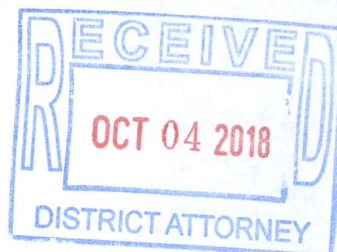
Defense counsel was retained to represent the Defendant by his mother on or about July 31, 2018.

2.

Since that date, Defendant, through his mother, has expressed concerns about the undersigned not providing her son with experienced representation.

3.

Furthermore, the Defendant, through his mother, has also refused to listen to the undersigned and has continuously questioned the advice he has given to the Defendant. In addition, the Defendant's mother has stated that the undersigned does not believe in the defensive theory of the case.



4.

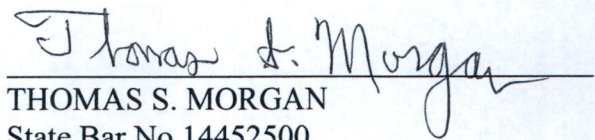
Many of these assertions, Defendant, through his mother, has relayed these beliefs to Nancy Piette, the investigator for the Defendant, who has encouraged her to consult with the undersigned, but neither Defendant nor his mother have done so.

5.

Any insinuation that defense counsel is failing to provide Defendant with zealous and effective representation is a serious charge and should not go unaddressed. Counsel believes because of these assertions, an irreconcilable conflict has arisen between counsel and Defendant, which have irreparably undermined and damaged the attorney-client relationship. Counsel therefore seeks leave to withdraw so that the Defendant can retain an attorney whom he believes is experienced and will provide the effective assistance of counsel.

PREMISES CONSIDERED, the undersigned prays that the Court set this matter for hearing, and grant the relief requested herein.

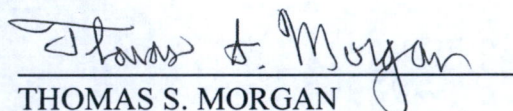
Respectfully submitted,

A handwritten signature in black ink, reading "Thomas S. Morgan", is written over a horizontal line.

THOMAS S. MORGAN
State Bar No.14452500
1902 West Illinois
Midland, Texas 79701
432-683-2703
432-684-7314 (Facsimile)
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, THOMAS S. MORGAN, hereby certify that a true and correct copy of the above and foregoing was forwarded to the Office of the District Attorney, Midland County Courthouse, Midland, Texas 79701 and to Mr. Sebastian Alexander Zapata, 3502 Baumann Avenue Midland, Texas 79703, on this 3 day of October, 2018.


THOMAS S. MORGAN

NO. CR-51,328

STATE OF TEXAS

§ IN THE DISTRICT COURT

vs.

§ MIDLAND COUNTY, TEXAS

SEBASTIAN ALEXANDER ZAPATA

§ 238th JUDICIAL DISTRICT

ORDER SETTING HEARING DATE

On this day the Court considered the motion filed by THOMAS S. MORGAN seeking the Court's permission to withdraw as attorney of record for Defendant, SEBASTIAN ALEXANDER ZAPATA.

IT IS HEREBY ORDERED that such Motion is hereby scheduled for hearing on the ____ day of _____, 2018 at _____ o'clock ____ .m.

SIGNED this the _____ day of October, 2018.

JUDGE PRESIDING